

REMARKS

Reconsideration is requested in view of the above amendments and the following remarks. Claims 24-28 and 43-53 were previously canceled without prejudice or disclaimer. Claims 1-23, 29-36, 40-42, 54, 56-61, and 65-69 are canceled in this amendment without prejudice or disclaimer. Claims 37-39, 55, 62-64 and 70 are pending.

Applicants would like to thank the Examiner for the telephone interview on August 21, 2003 with the undersigned. As noted in the Interview Summary issued by the Examiner on August 26, 2003, the status of dependent method claims 55, 62-64 and 70 was discussed, and it was agreed that the objection under 37 CFR 1.75(c) applied to these claims would be withdrawn.

The Examiner returned an initialed copy of Form 1449 from Applicant's IDS filed on January 10, 2003. However, the reference JP 09038922 was not initialed as being considered. Applicants request that the Examiner return another copy of Form 1449 with this reference initialed as being considered.

Office Action

In the office action, claims 15-21, 42 and 54-70 are objected to under 37 CFR 1.75(c) as being of improper dependent form. Claims 15-21, 42, 54, 56-61, and 65-69 have been canceled, thereby rendering the objection thereto moot. By canceling these claims, Applicants do not concede that the objection is proper, and Applicants reserve the right to pursue identical claims at a later date. As indicated above, it was agreed that the objection to claims 55, 62-64 and 70 would be withdrawn by the Examiner.

Claims 1-14, 22, 23 and 29-41 are rejected under 35 USC 112, second paragraph, as being indefinite. Claims 1-14, 22, 23, 29-36, 40 and 41 have been canceled, rendering the rejection thereto moot. By canceling these claims, Applicants do not concede that the rejection is proper, and Applicants reserve the right to pursue identical claims at a later date. Applicants note that method claims 37-39 were included in this rejection. However, these claims do not include the deficiency alleged by the Examiner. Moreover, claims 37-39 were indicated by the Examiner as being allowable. Applicants believe that claims 37-39 were incorrectly rejected, and withdrawal of the rejection thereto is respectfully requested.

Prior art rejections

Claims 29-30, 35-36 and 40-41 are rejected under 35 USC 102(b) as being anticipated by US 4,335,549 to Dean.

In addition, claims 1-14, 22, 29-36, and 40-41 are rejected under 35 USC 102(e) as being anticipated by US 6,082,057 to Sievert.

In addition, claim 23 is rejected under 35 USC 103(a) as being unpatentable over Sievert and US 6,149,352 to McDonald.

Applicants respectfully traverse each of these rejections and reconsideration is requested in view of the following.

Applicants have canceled claims 1-14, 22-23, 29-36, and 40-41 in order to expedite allowance of the presently allowable subject matter. By canceling these claims, Applicants do not concede the propriety of the rejections thereto, or to any characterizations of the cited references contained in the rejections. Applicants reserve the right to pursue identical claims in a later filed application.

Obviousness-type Double Patenting Rejection

Claims 37-39 are rejected under the doctrine of obviousness-type double patenting as being unpatentable over claim 27 of U.S. 6,321,740 to Scherer et al. (Scherer).

This rejection has been avoided by the filing of the Terminal Disclaimer in the present case which causes the present claims to expire simultaneously with the claims of US 6,321,740. Applicant disagrees with the Examiner's conclusions of obviousness, but is nonetheless filing this terminal disclaimer in order to expedite allowance of this application.

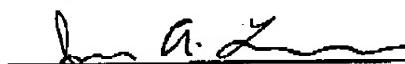
In Conclusion

With these amendments, Applicants believe that the claims now pending in this patent application are in immediate condition for allowance. Favorable consideration is respectfully requested. If any further questions arise, the Examiner is invited to contact Applicant's representative at the number listed below.

Respectfully submitted,

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